

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JEFFREY BRAY,

Plaintiff,

CASE NO. C17-1939-RSL

V.

ALASKA USA FEDERAL CREDIT UNION,  
et al.,

## ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

## Defendants.

Plaintiff Jeffrey Bray, proceeding *pro se* and *in forma pauperis* (IFP) in this civil matter, filed a motion for appointment of counsel. (Dkt. 5.) Having reviewed plaintiff's motion, with the remainder of the record, the Court finds and ORDERS as follows:

17 (1) Pursuant to 28 U.S.C. § 1915(e)(1), this Court has the discretion to appoint counsel  
18 for indigent litigants proceeding IFP. *United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564,  
19 569 (9th Cir. 1995). The Court may appoint counsel only on a showing of “exceptional  
20 circumstances.” *Id.*; *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). “A finding of  
21 exceptional circumstances requires an evaluation of both the likelihood of success on the merits  
22 and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal  
23 issues involved.” *Wilborn*, 789 F.2d at 1331. These factors must be viewed together before

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reaching a decision on a request for counsel under § 1915(e)(1). *Id.*

In this case, plaintiff fails to demonstrate a likelihood of success on the merits. Nor is it necessarily clear plaintiff would be unable to articulate his claims *pro se*. Accordingly, plaintiff's motion for appointment of counsel (Dkt. 5) is DENIED.

(2) The Clerk shall send a copy of this Order to plaintiff and to the Honorable Robert S. Lasnik.

DATED this 28th day of February, 2018.

Mary Alice Theiler  
Mary Alice Theiler  
United States Magistrate Judge